

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF VIRGINIA

3                   Alexandria Division

4                   ----- x

5                   TIARRA FAIN, :

6                   Plaintiff, :  
7                   vs.                 : CASE NO. 3:12-CV-293

8                   RAPPAHANNOCK REGIONAL JAIL, :

9                   et al.,           :  
10                  Defendants. :  
11                  ----- x

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13                  Deposition of OFFICER JENNIFER D. GIUFFRA

14                  Stafford, Virginia

15                  Tuesday, February 12, 2013

16                  1:41 p.m.

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20                  Job No.: 32439

21                  Pages: 1 - 22

22                  Reported by: Sarah M. Bickel, RPR

PLAINTIFF'S  
EXHIBIT

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DEPOSITION OF OFFICER JENNIFER D. GIUFFRA  
CONDUCTED ON TUESDAY, FEBRUARY 12, 2013

1 delivered a baby; is that correct?

2 A I'm not sure whether I did duty before or  
3 after she gave birth. I can't recall that.

4 Q But during the period of time you were  
5 there that day, there was no delivery, right?

6 A Correct.

7 Q When you came on duty, what was the  
8 situation?

9 A I don't recall.

10 Q When you went off duty, what was the  
11 situation?

12 A I don't recall.

13 Q Do you recall whether or not she was  
14 restrained in any fashion while you were there?

15 A No.

16 Q Were you ever asked to give a statement  
17 about what occurred while you were there?

18 A Statement?

19 Q Written or verbal, other than by  
20 Mr. Francuzenko?

21 A No, not that I recall. No.

22 (Discussion off the record.)

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1 BY MR. SHIELDS:

2 Q Do you recall whether she was restrained  
3 in any fashion then?

4 A No.

5 Q And you don't recall ever -- like some of  
6 the guards have written out statements, something  
7 like this (indicating).

8 You don't recall ever being asked to  
9 produce a statement like that, do you?

10 A No.

11 Q Did you have any special training as a  
12 guard for hospital duty?

13 A Yes.

14 Q What kind of special training did you  
15 have?

16 A It's part of the general training process  
17 when you're newly hired, as well as you get an escort  
18 with another officer who walks you through procedure.

19 Q But nothing beyond the -- what was  
20 ordinarily expected for an officer, correct?

21 A Correct.

22 Q What is the policy and procedure with

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1 respect to restraints at the hospital for pregnant  
2 ladies, if you know?

3 A Pregnant --

4 Q I'm talking about the jail's procedures.

5 A The jail's procedures at the time were  
6 after delivery, it was one arm and one leg.

7 Q All right. Prior to delivery?

8 A Prior to delivery, if they're in active  
9 labor, it would be -- it -- if they're in active  
10 labor, you would remove restraints as needed. It  
11 depends on the medical situation. It was required  
12 for her to be restrained up until absolutely  
13 necessary, then it's removed.

14 Q And that's the policy here in 2010; is  
15 that right?

16 A Correct.

17 Q Has that policy changed since then?

18 A I do not know.

19 Q Who decided when was as long as possible?

20 You said they were to be restrained as  
21 long as possible.

22 A Right.

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1 Q Who would make that determination?

2 A Basically the medical staff, if it hinders  
3 medical treatment.

4 Q If it did not hinder medical treatment,  
5 would the restraints come off?

6 A No.

7 Q Even if she was in active labor, or do you  
8 know?

9 A I -- there's -- there's different stages  
10 of active labor, so it would depend on the situation.

11 Q Have you had occasion to talk about what  
12 occurred in this case during delivery to Ms. Fain?

13 A Did I have -- talk to her?

14 Q No, no. Talk to any of the other guards  
15 or anything about whether she was restrained or not  
16 during delivery.

17 A No.

18 Q So you don't know yourself, one way or the  
19 other, do you?

20 A No.

21 Q And nobody has told you, one way or the  
22 other?

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1 A No.

2 Q Do you know whether or not she ever went  
3 into active delivery?

4 A I was informed that she delivered. That  
5 was it.

6 Q Do you recall what her condition was while  
7 you were there?

8 A I -- normal. Nothing was abnormal.

9 Q Was she in labor when you were there, or  
10 do you recall?

11 A I don't recall that.

12 Q Was she having any pains while you were  
13 there that you recall?

14 A Not that I recall, no.

15 Q Have you been present when other women  
16 delivered at the hospital -- other inmates delivered  
17 at the hospital?

18 A Yes.

19 Q At what -- during those other procedures,  
20 when were the tethers removed or the restraints  
21 removed?

22 A They would only be removed if they -- if

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1 it was medically necessary for procedures where they  
2 couldn't have any metal. If they had to use the  
3 restroom, you took them off. And then if they were  
4 in full, active pushing labor or it interfered with  
5 IVs or anything special that was attached to the arm.

6 Q But it had to be a specific condition?

7 A Correct.

8 Q It wasn't just a general policy of  
9 removing them for treatment?

10 A Correct.

11 Q Now, can you describe the restraints that  
12 were used on pregnant ladies?

13 MR. FRANCUZENKO: Object to the form.

14 Go ahead.

15 BY MR. SHIELDS:

16 Q At this time in 2010, what kind of  
17 restraints did you have that you would use?

18 A They're leather restraints. They're  
19 different sizes. One set would be for the legs and  
20 one set would be to go around the waist, and it had  
21 padded cuffs that actually lock onto the wrists.

22 Q What does it lock with?

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1 A If she was?

2 Q If she was not.

3 A If she was not in active labor, yes, she  
4 would have been restrained.

5 Q But you don't recall specifically, one way  
6 or the other?

7 A As far as her case, no.

8 MR. SHIELDS: Thank you very much. I  
9 appreciate it.

10 MR. FRANCUZENKO: We'll read.

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12 (Signature having not been waived, the  
13 deposition of OFFICER JENNIFER GIUFFRA concluded at  
14 1:54 p.m.)

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